

HOUSE BILL NO. 479

Introduced: 01/25/83

Referred to Committee on Human Services: 01/25/83

Hearing: 2/16/83

Report: 02/17/83, Do Pass, As Amended

2nd Reading: 02/19/83, Do Pass

3rd Reading: 02/22/83, Do Pass

Transmitted to Senate: 2/22/83

Referred to Committee on Highways & Transportation: 3/1/83

Hearing: 3/22/83

Report: 3/24/83, Be Not Concurred In

Bill Killed: 3/24/83

House BILL NO. 479

INTRODUCED BY

FARRIS

BY REQUEST OF THE DEPARTMENT OF

HEALTH AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT GIVING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES THE AUTHORITY TO LICENSE AND REGULATE AIR AMBULANCE SERVICES; AND PROVIDING EFFECTIVE DATES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Legislative findings. Public health and welfare require the establishment and enforcement of minimum uniform standards for operation of air ambulance services in order to prevent or eliminate improper care by such services.

Section 2. Definitions. In [this act], unless the context requires otherwise, the following definitions apply:

(1) "Air ambulance service" means a person who provides, on a regular basis, air transportation and medical care during transit to an individual who is ill, injured, or otherwise mentally or physically incapacitated, requires medical supervision during flight, and cannot be safely transported on a standard commercial or charter flight.

(2) "Board" means the board of health and

environmental sciences provided for in 2-15-2104.

(3) "Department" means the department of health and environmental sciences provided for in Title 2, chapter 15, part 21.

(4) "On a regular basis" means more than once during a calendar year.

(5) "Person" means an individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or organization of any kind, including a governmental agency other than the United States or the state of Montana.

Section 3. Rules. The department shall adopt rules prescribing:

(1) minimum standards for air ambulance service equipment, staff training and level of competence, medical treatment, recordkeeping, insurance, sanitation, and any other operational requirements necessary to protect the health of individuals served by an air ambulance service; and

(2) license application requirements and licensure procedure.

Section 4. License required -- fee. (1) An air ambulance service must possess a current license from the department to operate an air ambulance service.

(2) A prospective air ambulance service shall, in

-2- INTRODUCED BILL

HB 479

1 accordance with rules adopted by the department, apply for
2 and receive a license prior to commencing operation.

3 (3) Each license will expire 1 year from the date it
4 is issued unless canceled for cause. Renewal may be obtained
5 by following the same procedure as required for approval of
6 a new license.

7 (4) Each applicant for a license must annually submit
8 a \$5 fee with the license application, and the fee must be
9 deposited to the credit of the general fund.

10 Section 5. Notice of violation -- plan of correction
11 -- right to board hearing. If the department finds that a
12 licensee has violated [this act] or a rule adopted pursuant
13 to it, the department may give the licensee notice in
14 writing. The notice must contain a statement of:

15 (1) the facts the department alleges constitute a
16 violation of [this act] or a rule promulgated pursuant to
17 it;

18 (2) the intent of the department to cancel or deny the
19 license;

20 (3) the right of the licensee to bar cancellation or
21 denial of its license by submission of an acceptable plan of
22 correction within 10 days after receipt of the notice of
23 violation and execution of the plan of correction within a
24 time prescribed in writing by the department; and

25 (4) the right to a hearing before the board to

1 determine whether the license should be canceled or denied,
2 upon written request for a hearing made to the department:

3 (a) within 15 days after the notice of violation is
4 received; or

5 (b) if the licensee has submitted a plan of
6 correction, within 10 days after the licensee receives
7 written notice from the department that the plan is
8 unacceptable or has not been completely executed within the
9 prescribed time limit.

10 Section 6. Denial or cancellation of license. (1) The
11 department may cancel or deny a license if the licensee
12 receives the notice of violation required by [section 5] and
13 fails to:

14 (a) submit an acceptable plan of correction within 10
15 days after receipt of the notice of violation;

16 (b) execute the plan of correction within the time
17 period approved by the department; or

18 (c) request a hearing before the board.

19 (2) The board shall cancel or deny a license, after
20 hearing, if it finds the licensee violated a provision of
21 [this act] or a rule promulgated pursuant to it, unless it
22 grants the hardship exemption authorized by [section 7].

23 (3) Denial or cancellation of a license is effective
24 upon receipt by the licensee of written notice of the denial
25 or cancellation.

1 Section 7. Hardship exemption. (1) If the board finds
2 that a violation of [this act] or a rule adopted pursuant to
3 it does not constitute a danger to the public health and
4 would produce a hardship without equal or greater benefit to
5 the public, the board may grant an exemption to the licensee
6 for a period not to exceed 1 year, during which time a
7 license may not be denied or canceled for the same
8 violation.

9 (2) Subsequent exemptions may be granted the licensee,
10 each for a period not to exceed 1 year and each after a
11 hearing before the board.

12 Section 8. Injunction. In addition to or in lieu of
13 other remedies available under [this act], the department
14 may bring an action to enjoin the violation of [this act] or
15 any rule promulgated pursuant to it.

16 Section 9. Criminal penalty. A person violating any
17 provision of [this act] or a rule adopted pursuant to it is
18 guilty of a misdemeanor and upon conviction is subject to a
19 fine of not less than \$50 or more than \$100 for the first
20 offense, not less than \$75 or more than \$200 for the second
21 offense, and for third and subsequent offenses, not less
22 than \$200 or more than \$500 or imprisonment in the county
23 jail for not more than 90 days.

24 Section 10. Existing services -- grace period. An air
25 ambulance service that is operating on October 1, 1983, must

1 submit to the department a completed application for a
2 license by November 30, 1983, in order to continue to
3 lawfully operate its service. Such a service may continue to
4 operate during the pendency of the application.

5 Section 11. Inspections. The department may make
6 investigations and inspections necessary for enforcement of
7 [this act].

8 Section 12. Saving clause. This act does not affect
9 rights and duties that matured, penalties that were
10 incurred, or proceedings that were begun before the
11 effective date of this act.

12 Section 13. Severability. If a part of this act is
13 invalid, all valid parts that are severable from the invalid
14 part remain in effect. If a part of this act is invalid in
15 one or more of its applications, the part remains in effect
16 in all valid applications that are severable from the
17 invalid applications.

18 Section 14. Effective date. (1) Section 3 of this act
19 is effective on passage and approval.

20 (2) Sections 1, 2, and 4 through 13 are effective
21 October 1, 1983.

-End-

STATE OF MONTANA

262-83

REQUEST NO. _____

FISCAL NOTE

Form BD-15

In compliance with a written request received January 26, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 479 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 479 provides the Department of Health and Environmental Sciences the authority to license and update air ambulance services.

ASSUMPTIONS:

- 1) It is assumed that the number of air ambulance services will be comparable to the number now advertising and that the costs for licensing air ambulances will be comparable to the costs associated with the licensure of ground ambulance services.
- 2) Calculations are based on the costs of the ground ambulance licensing program.

FISCAL IMPACT:

Based upon an estimated 29 air ambulance services and a license fee of \$5, revenues generated would be \$145.

Based on the time directly associated with the inspections and licensure, the expenditures will be \$16,335. This includes the services of .5 FTE.

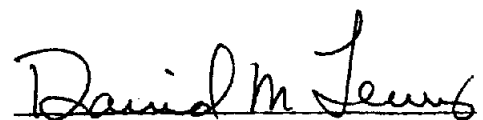
AFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

There should be no impact on revenue or expenditures of local governments. Some air ambulance services may have minor additional equipment expenditures. There should be increased third party reimbursement to licensed air ambulance services.

LONG RANGE EFFECTS OF PROPOSED LEGISLATION:

It may be necessary to increase the fee to accommodate the costs of the inspection and licensing program.

FISCAL NOTE 9:U/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-1-83

STATE OF MONTANA

REQUEST NO. 512-83

FISCAL NOTE

Form BD-15

In compliance with a written request received March 25, 19 83, there is hereby submitted a Fiscal Note for House Bill 479, Amended pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 479, amended, provides the Department of Health and Environmental Sciences the authority to license and update air ambulance services.

ASSUMPTIONS:

- 1) It is assumed that the number of air ambulance services will be comparable to the number now advertising and that the costs for licensing air ambulances will be comparable to the costs associated with the licensure of ground ambulance services.
- 2) Calculations are based on the costs of the ground ambulance licensing program.

FISCAL IMPACT:

Based upon an estimated 15 air ambulance services and a license fee of \$5, revenues generated would be \$75.

Based on the time directly associated with the inspections and licensure, the expenditures will be \$14,100. This includes the services of .5 FTE.

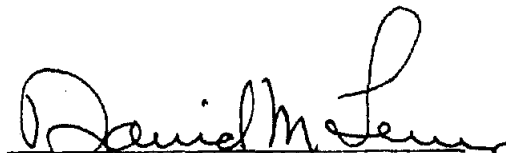
AFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

There should be no impact on revenue or expenditures of local governments. Some air ambulance services may have minor additional equipment expenditures. There should be increased third party reimbursement to licensed air ambulance services.

LONG RANGE EFFECTS OF PROPOSED LEGISLATION:

It may be necessary to increase the fee to accommodate the costs of the inspection and licensing program.

FISCAL NOTE 9:U/2



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3-26-83

1 STATEMENT OF INTENT

2 HOUSE BILL 479

3 House Human Services Committee

4
5 A statement of intent is required for House Bill 479
6 because it gives the Department of Health and Environmental
7 Sciences the authority to, by rule, set requirements for
8 applying for an ambulance service license, as well as
9 minimum standards for operation of the service.

10 Therefore, it is the intent of the Legislature that the
11 department have the authority to adopt rules defining the
12 following:

13 (1) information which must be submitted to the
14 department whenever a service applies for a license;

15 (2) licensure procedure;

16 (3) minimum operational requirements, including
17 standards for:

18 (a) emergency medical and communications equipment;

19 (b) aircraft equipment, including size and
20 pressurization;

21 (c) care of patients by service staff;

22 (d) staff training and competence;

23 (e) sanitation;

24 (f) recordkeeping; and

25 (g) insurance.

1 It is also the intent of the Legislature that air
2 ambulance service aircraft not be required to be used
3 exclusively for that purpose, but that equipment
4 requirements be flexible enough to allow such aircraft to be
5 used for other purposes whenever they are not needed for
6 emergency medical service.

SECOND READING

HB 479

Approved by Comm. on Human Services

HOUSE BILL NO. 479

INTRODUCED BY FARRIS, BACHINI, CONNELLY, METCALF,

WINSLOW, HANSEN, DARKO, QUILICI, NORMAN, BRAND

BY REQUEST OF THE DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT GIVING THE DEPARTMENT
OF HEALTH AND ENVIRONMENTAL SCIENCES THE AUTHORITY TO
LICENSE AND REGULATE AIR AMBULANCE SERVICES; AND PROVIDING
EFFECTIVE DATES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Legislative findings. Public health and
welfare require the establishment and enforcement of minimum
uniform standards for operation of air ambulance services in
order to prevent or eliminate improper care by such
services.

Section 2. Definitions. In [this act], unless the
context requires otherwise, the following definitions apply:

(1) "Air ambulance service" means a person who
provides ~~on-a-regular-basis~~ air transportation and ~~THAT IS~~
~~SPECIFICALLY DESIGNED TO ACCOMMODATE THE~~ medical needs of a
~~PERSON~~ care-during-transit-to--an--individual who is ill,
injured, ~~WOUNDED~~, or otherwise mentally or physically
incapacitated, ~~OR HELPLESS, WHO~~ requires medical supervision

during flight, and ~~WHO, IN A PHYSICIAN'S OPINION,~~ cannot be
safely transported on a standard commercial or charter
flight.

(2) "Board" means the board of health and
environmental sciences provided for in 2-15-2104.

(3) "Department" means the department of health and
environmental sciences provided for in Title 2, chapter 15,
part 21.

~~(4) --"On-a-regular-basis"--means-more-than-once-during-a~~
~~calendar-year~~

~~(5)(4)~~ "Person" means an individual, firm,
partnership, association, corporation, company, group of
individuals acting together for a common purpose, or
organization of any kind, including a governmental agency
other than the United States or the state of Montana.

Section 3. Rules. The department shall adopt rules
prescribing:

(1) minimum standards for air ambulance service
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health of individuals served by an air ambulance service;
and

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1 Section 4. License required -- fee. (1) An air
2 ambulance service must possess a current license from the
3 department to operate an air ambulance service.

4 (2) A prospective air ambulance service shall, in
5 accordance with rules adopted by the department, apply for
6 and receive a license prior to commencing operation.

7 (3) Each license will expire 1 year from the date it
8 is issued unless canceled for cause. Renewal may be obtained
9 by following the same procedure as required for approval of
10 a new license.

11 (4) Each applicant for a license must annually submit
12 a \$5 fee with the license application, and the fee must be
13 deposited to the credit of the general fund.

14 Section 5. Notice of violation -- plan of correction
15 -- right to board hearing. If the department finds that a
16 licensee has violated [this act] or a rule adopted pursuant
17 to it, the department may give the licensee notice in
18 writing. The notice must contain a statement of:

19 (1) the facts the department alleges constitute a
20 violation of [this act] or a rule promulgated pursuant to
21 it;

22 (2) the intent of the department to cancel or deny the
23 license;

24 (3) the right of the licensee to bar cancellation or
25 denial of its license by submission of an acceptable plan of

1 correction within 10 days after receipt of the notice of
2 violation and execution of the plan of correction within a
3 time prescribed in writing by the department; and

4 (4) the right to a hearing before the board to
5 determine whether the license should be canceled or denied,
6 upon written request for a hearing made to the department:

7 (a) within 15 days after the notice of violation is
8 received; or

9 (b) if the licensee has submitted a plan of
10 correction, within 10 days after the licensee receives
11 written notice from the department that the plan is
12 unacceptable or has not been completely executed within the
13 prescribed time limit.

14 Section 6. Denial or cancellation of license. (1) The
15 department may cancel or deny a license if the licensee
16 receives the notice of violation required by [section 5] and
17 fails to:

18 (a) submit an acceptable plan of correction within 10
19 days after receipt of the notice of violation;

20 (b) execute the plan of correction within the time
21 period approved by the department; or

22 (c) request a hearing before the board.

23 (2) The board shall cancel or deny a license, after
24 hearing, if it finds the licensee violated a provision of
25 [this act] or a rule promulgated pursuant to it, unless it

1 grants the hardship exemption authorized by [section 7].

2 (3) Denial or cancellation of a license is effective
3 upon receipt by the licensee of written notice of the denial
4 or cancellation.

5 Section 7. Hardship exemption. (1) If the board finds
6 that a violation of [this act] or a rule adopted pursuant to
7 it does not constitute a danger to the public health and
8 would produce a hardship without equal or greater benefit to
9 the public, the board may grant an exemption to the licensee
10 for a period not to exceed 1 year, during which time a
11 license may not be denied or canceled for the same
12 violation.

13 (2) Subsequent exemptions may be granted the licensee,
14 each for a period not to exceed 1 year and each after a
15 hearing before the board.

16 Section 8. Injunction. In addition to or in lieu of
17 other remedies available under [this act], the department
18 may bring an action to enjoin the violation of [this act] or
19 any rule promulgated pursuant to it.

20 Section 9. Criminal penalty. A person violating any
21 provision of [this act] or a rule adopted pursuant to it is
22 guilty of a misdemeanor and upon conviction is subject to a
23 fine of not less than \$50 or more than \$100 for the first
24 offense, not less than \$75 or more than \$200 for the second
25 offense, and for third and subsequent offenses, not less

1 than \$200 or more than \$500 or imprisonment in the county
2 jail for not more than 90 days.

3 Section 10. Existing services -- grace period. An air
4 ambulance service that is operating on October 1, 1983, must
5 submit to the department a completed application for a
6 license by November 30, 1983, in order to continue to
7 lawfully operate its service. Such a service may continue to
8 operate during the pendency of the application.

9 Section 11. Inspections. The department may make
10 investigations and inspections necessary for enforcement of
11 [this act].

12 Section 12. Saving clause. This act does not affect
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14 incurred, or proceedings that were begun before the
15 effective date of this act.

16 Section 13. Severability. If a part of this act is
17 invalid, all valid parts that are severable from the invalid
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2 ambulance service aircraft not be required to be used
3 exclusively for that purpose, but that equipment
4 requirements be flexible enough to allow such aircraft to be
5 used for other purposes whenever they are not needed for
6 emergency medical service.

7 ~~THE LEGISLATURE INTENDS THAT THIS ACT NOT APPLY TO AIR~~
8 ~~TRANSPORTATION SERVICES THAT:~~

9 ~~(A) OFFER NO SPECIAL MEDICAL SERVICES,~~

10 ~~(B) PROVIDE ONLY TRANSPORTATION AT THE DIRECTION OF AN~~
11 ~~INDEPENDENT PHYSICIAN, AND~~

12 ~~(C) DO NOT HOLD THEMSELVES OUT TO THE PUBLIC AS BEING~~
13 ~~CAPABLE OF PROVIDING AIR AMBULANCE SERVICE THROUGH~~
14 ~~ADVERTISEMENT OR CONTRACT.~~

HOUSE BILL NO. 479

INTRODUCED BY FARRIS, BACHINI, CONNELLY, METCALF,

WINSLOW, HANSEN, DARKO, QUILICI, NORMAN, BRAND

BY REQUEST OF THE DEPARTMENT OF

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correction within 10 days after receipt of the notice of violation and execution of the plan of correction within a time prescribed in writing by the department; and

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